

Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faics (028) 21660
Suíomh Greasain: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Ms. Marie Walsh,
5, Emmet Square,
Clonakilty,
Co. Cork. P85 XN82.

26th April, 2023.

Our Ref: D/12/23.

**RE/ Declaration request on exempted development under Section 5
of the Planning & Development Act, 2000 (as amended).**

Dear Madam,


On the basis of the information and plans submitted by you on 6th April, 2023, the Planning Authority declares that the conversion of two windows to full length glazed doors of dwelling at Inchintaggart, Glengarriff, Co. Cork constitutes "*exempt development*" under Section 4(1)(h) of the Planning and Development Act, 2000.

Please note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

Receipt No. WCP11540, in respect of €80.00, is issued herewith.

Yours faithfully,


KEVIN O'REGAN.
SENIOR EXECUTIVE OFFICER.

Anne Lordan

From: Tim Twomey
Sent: Friday 21 April 2023 15:31
To: Anne Lordan
Subject: RE: D/12/23 - Section 5 request

Follow Up Flag: Follow up
Flag Status: Flagged

*Escorted us
for planners
report.
mum 5/17/23
26/4/2023*

Hi Anne,

I agree with the Area Planner's recommendation.

Regards,
Tim

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Sent: Friday 21 April 2023 09:02
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/12/23 - Section 5 request

Hi Tim,

Attached report from Mr. P. O'Sullivan, Area Planner for your recommendation and sign-off.

Also attached application.

Regards

Anne.

Anne Lordan | Oifigeach Foirne Cúnta | Pleanáil agus Foirbairt
Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Scíobairín | Co. Chorcaí |
P81 AT28 | Éire
T +353-(0)28 – 40340 | Ext. 7121
Anne.Lordan@corkcoco.ie | www.corkcoco.ie
Tairseach na gcustaiméirí: www.yourcouncil.ie

Anne Lordan | Assistant Staff Officer | Planning and Development
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Customer Portal: www.yourcouncil.ie

From: Phillip O'Sullivan <Phillip.OSullivan@CorkCoCo.ie>
Sent: Thursday 20 April 2023 14:50
To: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Subject: FW: D/12/23 - Section 5 request

**TO: Anne Lordan
Planning Department
Ref D/12/23**

**Planning and Development Act 2000 and
Planning and Development Regulations 2001-2022
“Exempted development”**

**The insertion of a two glazed doors instead of two windows at Inchintaggart
Glengarriff for Marie Wash**

Background

This application (D/12/23) was received on the 6th April 2023 and simply relates to whether two originally approved windows on the front elevation of the dwelling (see 0.45 on enclosed location plan) but was subsequently converted to full length glazed doors, constitutes “*exempt development*” or not.

The site lies on the northern outskirts of Glengarriff village at Inchintaggart accessed from the R-572 Regional Road, and which is accessed by a minor track which falls to greet the site set in an extensive tree-lined environment. The site was viewed on the 19th April 2023 and a highly attractive stepped and “*split-level*” dwellinghouse stands in situ in extensive grounds and is totally concealed from the road or any neighbouring property.

The original permission granted circa 1987 and the plans and the approved plans of that application and permission (Ref 87/1381) have been duly submitted on the 6th April 2023.

Assessment

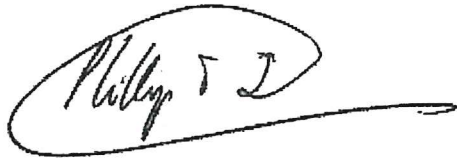
It is largely immaterial whether the two windows, that have subsequently been converted to fully glazed doors on the front elevation in 1989, have been undertaken so far as any planning requirements are concerned. Attention is drawn to Section 4 (1) (h) of the Planning and Development Act 2000 which state is as follows:

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

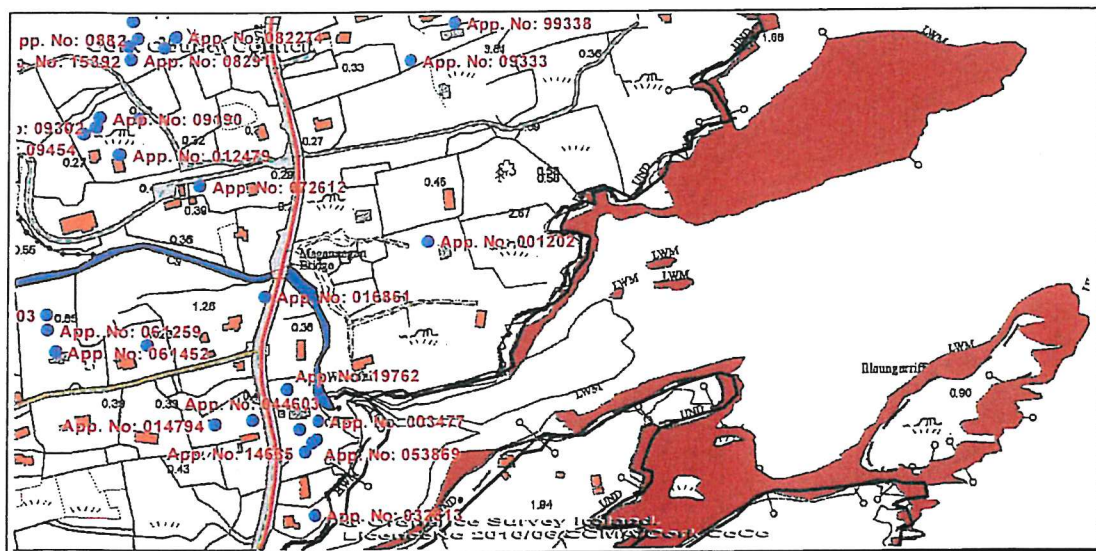
It can simply be concluded that these works undertaken many years ago, do not materially affect the external appearance of the stepped dwellinghouse or are considered inconsistent with its character and constituted “*exempt development*” given Section 4(1) (d) above. Accordingly, an exemption certificate should be issued.

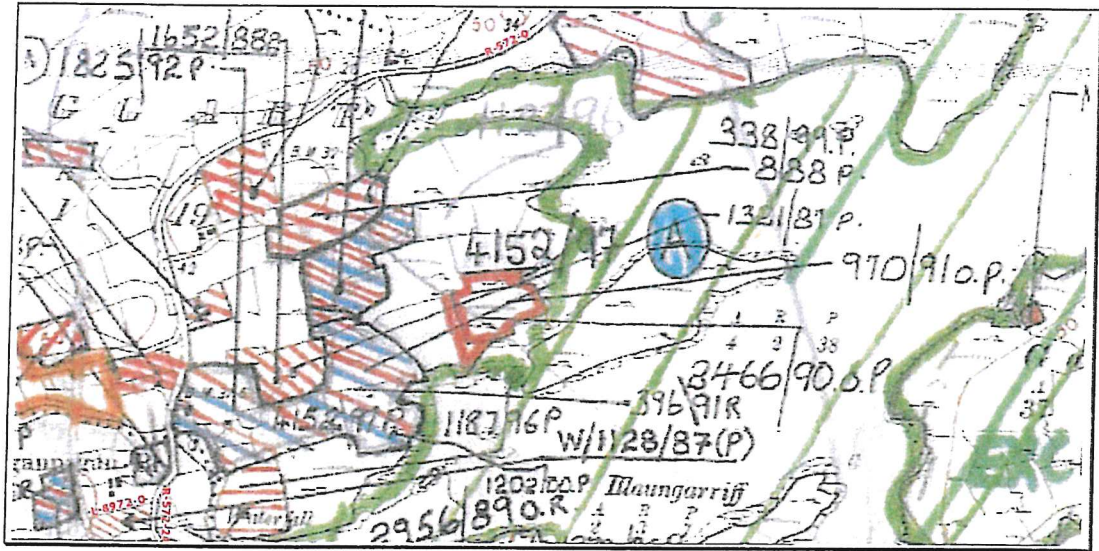
Recommendation

It is confirmed that the two glazed doors at ground floor level on the front elevation, of the 'split level' stepped dwellinghouse following the original permission, as detailed in the plans received on the 6th April 2023 constituted "exempt development" under Section 4(1)(h) of the Planning and Development Act 2000.



P. O'Sullivan:
Executive Planner
20th April 2023







CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dp@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)

Marie Walsh

2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:

Inchintaggart
Glengarriff
Co. Cork
P75 EPO2

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Shortly after construction of the dwelling in 1989, 2 windows on the west elevation of the dwelling were changed to fully glazed doors.

Please see attached marked up extract from house plans indicating the 2 windows - doors for which an exemption is sought.

The windows/doors are from the kitchen & living rooms.

The house is set back significantly from the public road & cannot be seen.

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06 APR 2023

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	120m ²
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use	Proposed use
N/A	N/A
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If yes, please state relevant reference No. N/A
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Marie Walsh.
Date	30-03-2023

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	Marie Walsh.
Date	30-03-2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

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ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	<i>Marie Welch</i>
Date	30-03-2023

Site Location Map



CENTRE COORDINATES:
ITM 492477,554901

ORDER NO.:
50325555_1

MAP SERIES:
6 Inch Raster
KY110+110A

COMPILED AND PUBLISHED BY:
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Phoenix Park,
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Ireland.
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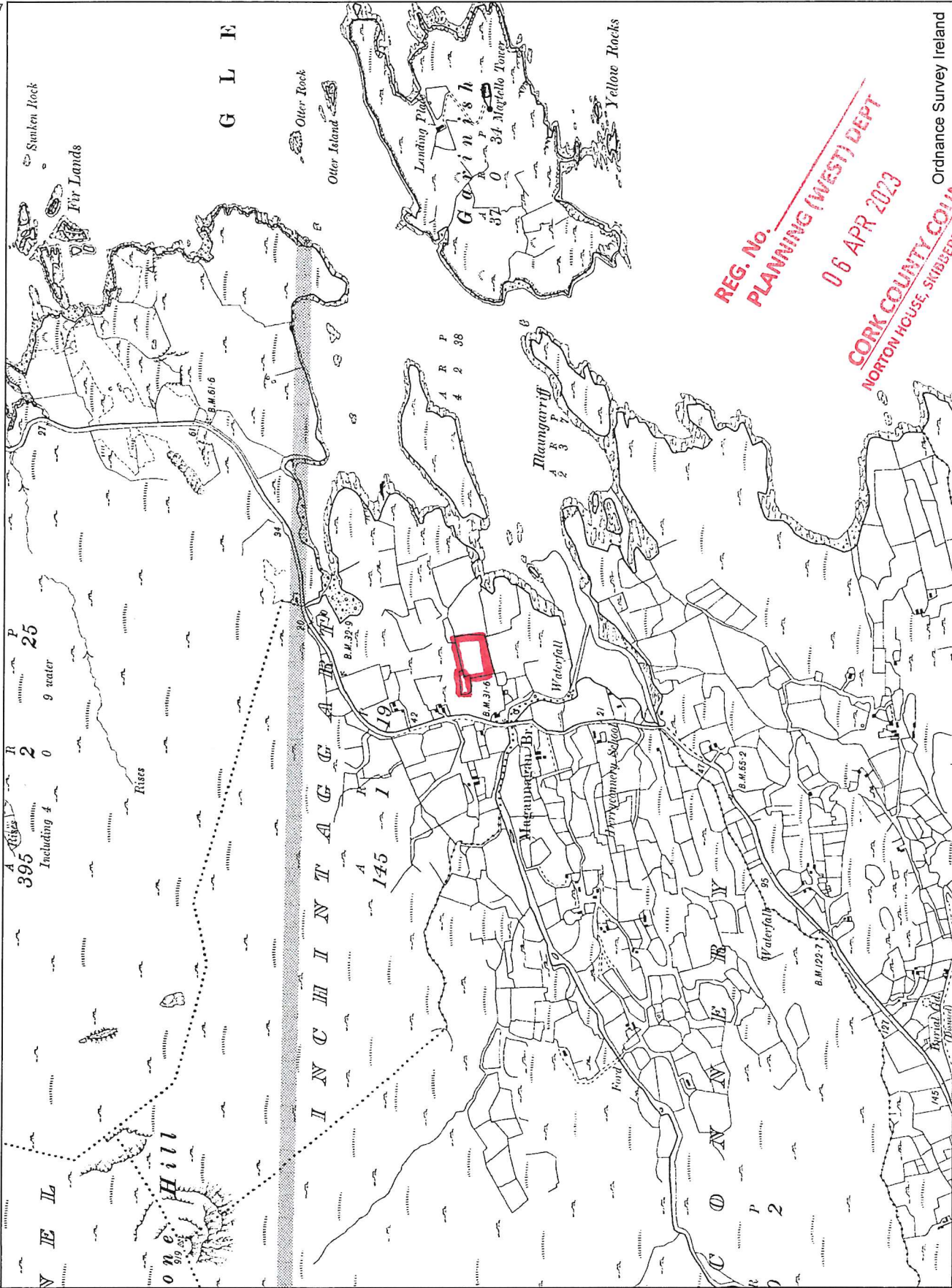
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06 APR 2023
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491246 493707 555909 553992

Ordnance Survey Ireland

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OUTPUT SCALE: 1:10,560

0 110 220 330 440 Metres
0 200 400 600 800 1,000 Feet

Planning Pack Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 492477,554901

PUBLISHED: 27/03/2023
ORDER NO.: 50325555_1

MAP SERIES: 1:2,500
MAP SHEETS: 6563-C
1:5,000 6593

COMPILED AND PUBLISHED BY:
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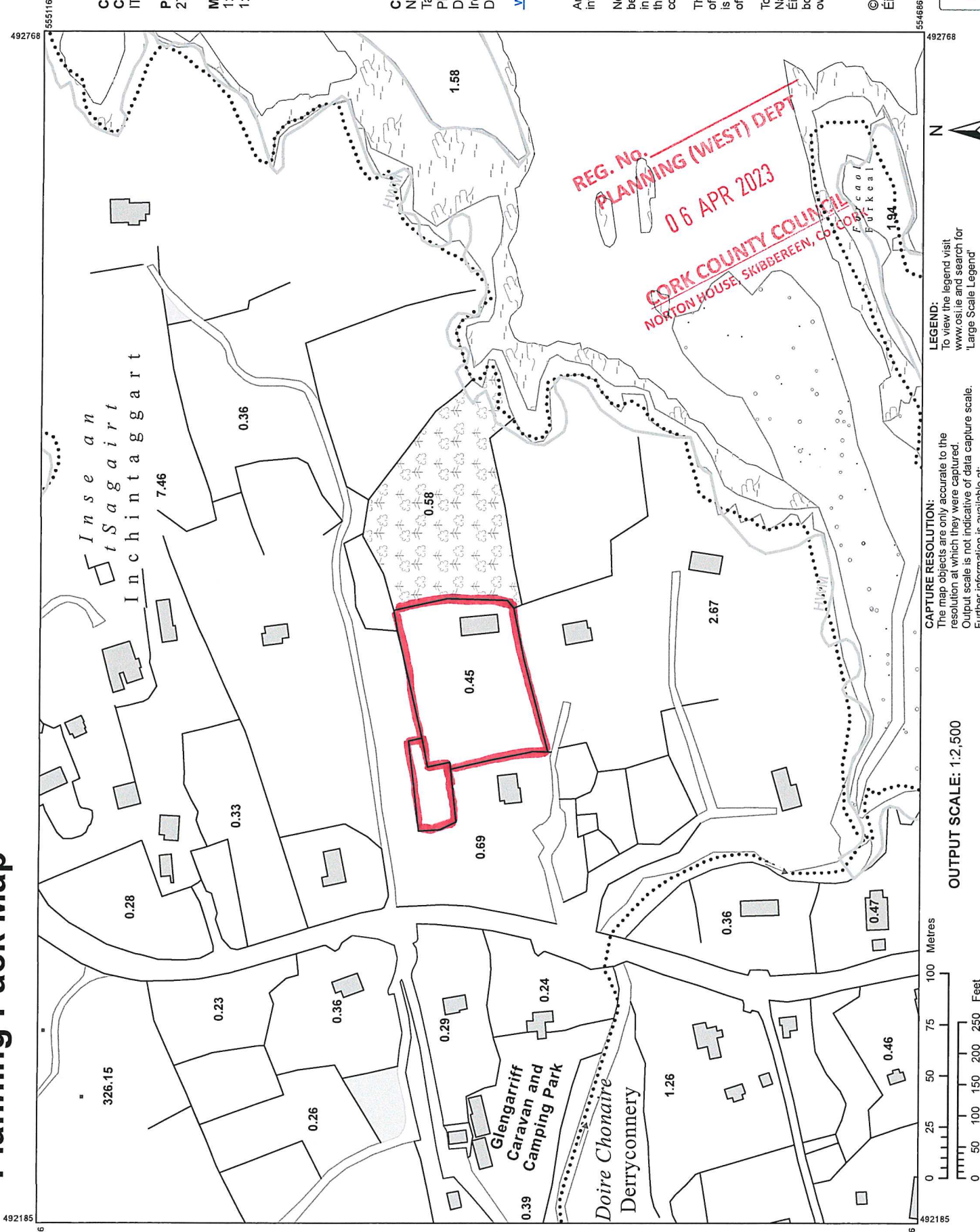
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OUTPUT SCALE: 1:2,500

492768

492185

554686

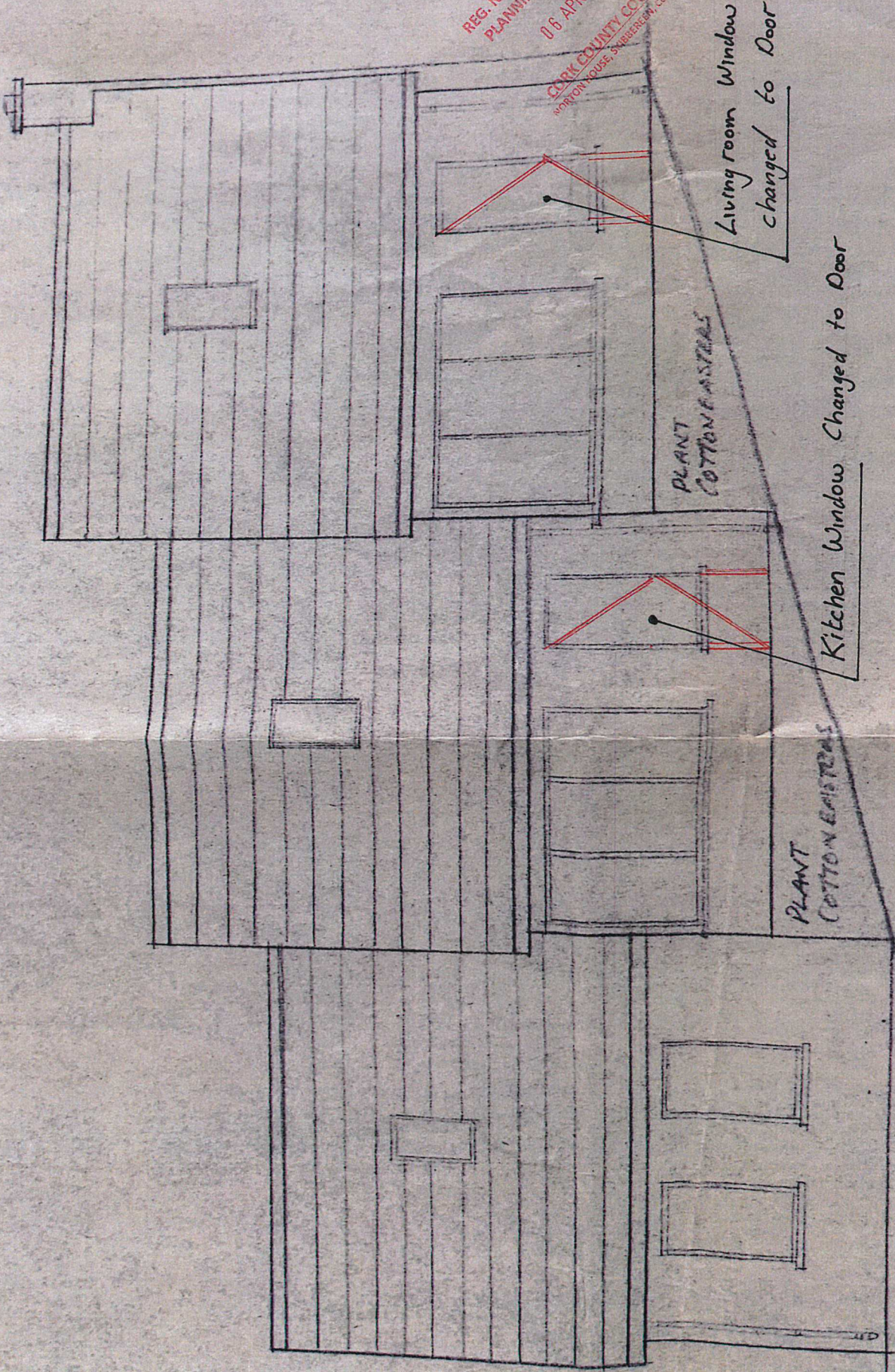
555116



REG. No. PLANNING (WEST) DEPT
06 APR 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SNIBBEREN, CO. CORK

LOCATION PLAN. SCALE 1:1000

REG. No. _____
PLANNING (WEST) DEPT
06 APR 2023
CORK COUNTY COUNCIL
WYNNON HOUSE, ST. BERGEEN, CO. CORK



Living room Window
changed to Door

Kitchen Window Changed to Door

PLANT
COTTON CASCARAS

PLANT
COTTON CASCARAS

WEST ELEVATION

2 Windows changed to doors in 1988/1989